



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
650 Capitol Mall, Suite 4-100
Sacramento, CA. 95814
April 21, 2005

IN REPLY REFER TO
HDA-CA
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Mr. Will Kempton, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Office, Room 3500
For Ross A. Chittenden, Division of Transportation Programming

Dear Mr. Kempton:

SUBJECT: RURAL (NON-MPO) 2004/05-2006/07 FSTIP AMENDMENT NO. 5

The Federal Highway Administration has completed its review of Amendment Number 5 to the rural non-Metropolitan Planning Organization (non-MPO) portion of the 2004/05-2006/07 Federal Statewide Transportation Improvement Program (FSTIP) that was submitted by your letter dated April 19, 2005. This FSTIP Amendment applies specifically to FSTIP project listings in non-MPO regions of the State for the State Highway Operations and Protection Programs, Public Lands Highway Programs, Highway Bridge Replacement and Rehabilitation Program, and Transportation Enhancement Program. As detailed in the enclosure to your letter, this amendment proposes to add three new project listings and modify six previously listed projects in the triennial element of California's 2004/05-2006/07 FSTIP.

Based on our review, the FSTIP Amendment No. 5 decreases funding commitments to projects listed in program year 2004/05 by \$1,348,390 and increases funding commitments in program years 2005/06 and 2006/07 by \$19,879,000 and \$3,487,000 respectively. Pursuant to 23 CFR 450.216, project programming information provided for additional years, before or beyond the current FSTIP triennial element, is considered by the FHWA and the FTA only as informational.

The documentation for FSTIP Amendment No. 5 that was submitted to the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) did not include the financial information necessary to demonstrate that the FSTIP, as amended, remains financially constrained. The demonstration of financial constraint for the amended FSTIP is required by 23 CFR 450.216. All future FSTIP amendment approval requests submitted to the FHWA and the FTA for programming approval shall include adequate documentation of financial constraint that is sufficient to demonstrate that the FSTIP, as amended, is financially constrained by year.

Based on our review of the CTIPS data associated with this FSTIP amendment we note that the Title/Description provided for the grouped project listings lack an accurate reference to the applicable classification by which projects in the FSTIP may be grouped. The Title/Description



for the group project listings affected by this amendment generally refer to the classifications listed in 40 CFR part 51. Pursuant to 23 CFR 450.216, projects in non-MPO regions that are designated as attainment or unclassified for national air quality standards should be grouped using the applicable classification under 23 CFR 771.117 (c) and (d).

We accept this amendment in accordance with 23 CFR part 450 and find that the amendment is based on a continuing, cooperative and comprehensive transportation planning process in accord with the statewide planning provisions in 23 USC 135. The changes proposed to the FSTIP by this amendment are associated with projects proposed for implementation in areas of the State of California that are designated as attainment or unclassified for Federal air quality standards and, as a consequence, are not subject to the requirement that a conformity determination be made. These findings have been coordinated with the Region IX office of the Federal Transit Administration pursuant to the single mode amendment procedures outlined in the *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*, dated July 15, 2004.

This letter constitutes joint FHWA and FTA approval for the inclusion of Amendment Number 5 for the rural non-MPO areas of the State into California's 2004/05-2006/07 FSTIP.

Sincerely,

/s/ K. Sue Kiser

For
Gene K. Fong
Division Administrator

cc: (e-mail)
Karina O'Connor, EPA Region IX
Donna Turchie, FTA Region IX
Randy Steen, Caltrans - Federal Resources Branch
Abhijit Bagde, Caltrans - Transportation Programming,
Terry Abbott, Caltrans - Office of Local Programs

cc: (other)
Non-MPO FSTIP Binder

WHobbs/jf